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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,476	10/19/2001	Thomas Wenzler	8053-P	9773

21494 7590 11/15/2002

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EXAMINER

GRAHAM, MARK S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,476

Applicant(s)

WENZLER, THOMAS

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3711

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear which "said target" is being referenced.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 18, and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vand.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn. Kohn discloses the claimed device with the possible exception of the "removably connected" limitation. However, it is commonly known to provide devices such that they may be broken down for portability purposes and it would have been obvious to one of ordinary skill in the art to have done the same with Kohn's device for the same purpose.

Claims 4, 5, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn in view of Vand.

Regarding claims 4 and 5 Kohn discloses the claimed device with the exception of the pivotal connection and stakes respectively. However, as disclosed by Vand it is known in the art

Art Unit: 3711

to provide such on such games for their stated purpose. It would have been obvious to one of ordinary skill in the art to have provided Kohn's device with these features as well for the same purpose.

Concerning claims 19 and 22, Kohn discloses the claimed method with the exception of the pivotal connection. However, as disclosed by Vand it is known in the art to provide such on such games for its stated purpose. It would have been obvious to one of ordinary skill in the art to have provided Kohn's device with this feature as well for the same purpose.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn in view of Pelton. Kohn obviates the claimed device for the reasons explained above with the exception of the cross member. However, as disclosed by Pelton such are known in the art. It would have been obvious to one of ordinary skill in the art to have provided Kohn's device with a cross-member as well to give it additional stability.

Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalvac. Yalvic's string 5 is considered the strap. Yalvic's device is for baseball but it is stated that it is applicable to sports in general and it would have been obvious to the ordinarily skilled artisan that this would include golf.

Concerning claims 10 and 11, Yalvic uses knots as a means of fastening but snaps and sewing are commonly known means of fastening and it would have been obvious to one of ordinary skill in the art to have employed whichever means was more convenient for the artisan.

Concerning claim 14, Yalvic discloses multiple "straps" and targets.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn in view of Yalvic. As disclosed by Yalvic it is known in the art to use straps to attach the targets together.

Art Unit: 3711

It would have been obvious to one of ordinary skill in the art to have attached Kohn's targets in the same manner if it was desired to prevent the possibility of a projectile rebounding towards the user off of a hard connector.

Claim ~~22~~²³ is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Yalvic. As disclosed by Yalvic it is known in the art to use straps to attach the targets together. It would have been obvious to one of ordinary skill in the art to have attached Kohn's targets in the same manner if it was desired to prevent the possibility of a projectile rebounding towards the user off of a hard connector.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
11/13/02



Mark S. Graham
Primary Examiner
Art Unit 3711